

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Christopher Milton Mathew Franco, et al. **Examiner:** Thane E. Underdahl
Serial No.: 10/563,637 **Art Unit:** 1651
Filed: June 12, 2006 **Docket:** 19460
For: A METHOD AND AGENTS FOR **Dated:** September 8, 2008
IMPROVING PLANT PRODUCTIVITY
INVOLVING ENDOPHYTIC ACTINOMYCETES
AND METABOLITES THEREOF

Confirmation No: 4137

Commissioner for Patents
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §§ 1.111 and 1.143

Sir:

In response to the Office Action dated March 6, 2008, setting forth a requirement for restriction and in accordance with the provisions of 37 C.F.R. §§1.111 and 1.143, Applicants provisionally elect Group IX, claims 36, 38, 39, drawn to a novel endophytic actinomycetes strain with a SEQ ID listed in claim 36 and its metabolites. In connection with the requirement for species election, Applicants provisionally elect the endophytic actinomycete organism and SEQ ID NO: 7 (EN16).

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website.

Dated: September 8, 2008



Xiaochun Zhu